

**DEPARTMENT OF ENVIRONMENTAL QUALITY  
ENFORCEMENT DIVISION  
FISCAL YEAR 2005 ENFORCEMENT STATUS REPORT  
JULY 1, 2004 through JUNE 30, 2005**

*The Enforcement Division (ENFD) is responsible for the implementation, coordination and tracking of Department of Environmental Quality (DEQ) enforcement activities, and for the investigation and response to spills and citizen complaints that allege impacts to human health and the environment. The Enforcement Division consists of the Complaint Management Section and the Case Management Bureau.*

**I. Complaint Management Statistics**

**Total number of complaint and spill reports received during the report period was 928.**

In an effort to delineate areas of regulatory responsibility for complaints received by the Department, a complaint type is assigned that generally relates to program authority. The Complaint Management Section is responsible for the initial investigation of all complaints to determine their validity and to ensure proper follow-up occurs (if needed). Spills being recorded are typically associated with unauthorized material releases resulting from vehicle accidents, mechanical malfunctions, or human error.

Number of Complaint / Spill Reports by Type (DEQ Program or Environmental Media) & General Group				
Air Quality - Dust	49	Spills (not impacting water)	13.9%	129
Air Quality - Emissions	63	Clandestine Drug Lab		11
Air Quality - Odors	1	Solid Waste		72
Air Quality - Open Burning	47	Junk Vehicles		27
Asbestos	58	Septic Pumpers		13
Indoor Air Quality	0	Sewage		8
Total Air Quality Related	23.5% 218	Septage From Drain Fields Etc		0
Water Quality	113	Hazardous Waste		15
Spills (impacting water)	26	Used Oil		34
318 Permit	6	Pesticides		8
Watershed Management (TMDL)	0	Municipal Waste Water Treatment Systems		3
Release of Chemicals from Tanks *	0	Superfund		1
Release of Chemicals from Pipelines	54	Total Waste Related	20.7%	192
Suspect Hydrocarbon Release	0	Abandoned Mines		0
Underground Storage Tank Regulation	22	Strip and Underground Mining		4
Subdivisions	83	Opencut Gravel Mining		9
Animal Feedlot Operation	9	Metal Mines		1
Concentrated Animal Feedlot Operations	4	Total Mining Related	1.5%	14
Surface Water (MPDES) Permits	29	Major Facility Siting Act (MFSA)	0.1%	1
Ground Water (MGWPCS) Permits	0	Other (Outside DEQ Authority)	1.3%	12
Public Water Supply Systems	16			
Nonpoint Source	0			
Total Water Related	39.0% 362	<b>TOTAL FOR ALL COMPLAINTS</b>		<b>928</b>

\* Note that these are releases reported through ENFD. The Hazardous Waste Site Cleanup Bureau received 73 leak reports directly during this time.

**Status of complaint and spill reports received during reporting period:**

Complaint reports are sent to the ENFD for initial investigation and database entry. Referral occurs when the determination is made that the complaint falls under a specific regulatory authority either within DEQ or an outside agency.

Status of Complaint Spill Reports *	
Active (under investigation by ENFD)	180
Active Referred (to other DEQ program for investigation and follow-up)	96
Active Enforcement Case (complaint that led to a request for enforcement action)	5
Closed (resolved by ENFD)	322
Closed by Program (resolved by other DEQ program)	93
Closed No Violation (ENFD investigation determined no violation occurred)	72
Closed Referred (referred to outside Agency for resolution)	139
Closed Not Enough Information (not enough information was provided or documented to validate)	21
	<b>928</b>

\* Status as of 6/30/05. Please note that the status of complaints and spills can change on a daily basis as work progresses.

## II. Case Management Statistics

The following tables provide various statistics concerning enforcement actions taken by the Department of Environmental Quality from July 1, 2004 through June 30, 2005.

Enforcement Actions Processed by Statute											
	Enforcement Requests			Status of Enforcement Requests							
	Total Caseload	Cases continuing FY04	Actions requested FY05	Case Development	Demand*	In Litigation**	Under Order	Referred Cases	Vacated, Stayed or Suspended	Withdrawn	Closed
Asbestos Control Act	9	8	1	0	2	1	3	0	0	0	3
Clean Air Act of Montana	28	19	9	1	5	2	10	0	0	0	10
Metal Mine Reclamation Act	4	2	2	1	0	0	3	0	1	0	2
Montana Hazardous Waste Act	12	11	1	1	1	0	6	0	1	0	3
Montana Solid Waste Management Act	12	12	0	0	0	3	7	0	0	1	1
Montana Underground Storage Tank Act	69	60	9	0	0	5	18	0	0	3	43
Montana Underground Storage Tank Installer and Inspector Licensing and Permitting Act	1	1	0	0	0	0	1	0	0	0	0
Motor Vehicle Recycling & Disposal Laws	12	11	1	1	1	1	8	0	0	1	0
Opencut Mining Act	23	12	11	6	3	0	4	0	1	0	9
Public Water Supply Laws	133	92	41	23	6	5	49	1	5	17	27
Sanitation in Subdivision Laws	6	6	0	0	0	1	3	0	1	0	1
Septic Disposal and Licensure Laws	2	1	1	0	0	1	0	0	0	0	1
Strip and Underground Mine Reclamation Act	17	13	4	1	1	0	4	0	1	0	10
Water Quality Act	44	37	7	3	3	0	21	0	2	1	14
<b>TOTAL</b>	<b>372</b>	<b>285</b>	<b>87</b>	<b>37</b>	<b>22</b>	<b>19</b>	<b>137</b>	<b>1</b>	<b>12</b>	<b>23</b>	<b>124</b>

### Case status explanations

**Case Development:** Case is being developed in the Enforcement Division and/or Legal Unit. Activities include: 1) preparation and review of files and evidence; 2) preparation of administrative and judicial enforcement documents; and 3) preparation of penalty calculations.

**Demand:** Defendant and the Department are engaged in administrative settlement negotiations; e.g., a demand letter has been sent to the defendant, the defendant has been requested to consent to a draft administrative order, etc.

\*Includes administrative appeals.

**In Litigation:** Defendant and the Department are engaged in pre-complaint settlement negotiations; e.g., the defendant has been requested to stipulate to a draft consent decree, etc.

\*\*Includes active and pending judicial cases.

**Under Order:** Violator is subject to a legally-enforceable administrative or judicial order.

**Referred Case:** Case referred to another agency for case management.

**Vacated:** Case was vacated, either by mutual agreement or by the court, and is closed.

**Stayed:** Case in which the Department refrains from enforcing an administrative order against a violator.

**Suspended:** Case that is discontinued temporarily or permanently, but is not closed.

**Withdrawn:** Enforcement Request was withdrawn before case development began.

**Closed Enforcement Case:** Case is closed. The defendant has satisfied the terms of the settlement agreement or order.

Analysis of Enforcement Actions by Enforcement Action Type					
Statute	2005 Case Load	Enforcement Action Type			
		Admin.	Civil	Criminal	Referred
Asbestos Control Act	9	5	4	0	0
Clean Air Act of Montana	21	14	7	0	0
Metal Mine Reclamation Laws	4	2	2	0	0
Montana Hazardous Waste Act	10	5	5	0	0
Montana Solid Waste Management Act	11	5	6	0	0
Montana Underground Storage Tank Act	60	42	18	0	0
MT Underground Storage Tank Installer and Inspector Licensing and Permitting Act	1	0	1	0	0
Motor Vehicle Recycling and Disposal Laws	11	1	10	0	0
Opencut Mining Act	19	16	3	0	0
Public Water Supply Laws	124	96	17	0	11
Sanitation in Subdivision Laws	8	6	2	0	0
Septic Disposal and Licensure Laws	2	1	1	0	0
Strip and Underground Mine Reclamation Act	11	11	0	0	0
Water Quality Act	41	38	3	0	0
TOTAL	332	242	79	0	11

Penalty Statistics (in dollars)							
Statute	Orders w/ Penalties FY2005	Monetary Settlement Penalties		Monetary Penalties Collected		Penalties Suspended	Suppl. Env. Project
		Admin.	Civil	Admin.	Civil		
Asbestos Control Act				\$1,750			
Clean Air Act of Montana	3	\$26,228		\$8,228		\$2,106	
Metal Mine Reclamation Laws							
Montana Hazardous Waste Act	1		\$179,924			\$3,320,076	
Montana Solid Waste Management Act							
Montana Underground Storage Tank Act	24	\$20,157	\$45,175	\$27,142		\$6,450	
Montana Underground Storage Tank Installer and Inspector Licensing and Permitting Act							
Motor Vehicle Recycling and Disposal Laws							
Opencut Mining Act	5	\$4,992		\$4,992			
Public Water Supply Laws	19	\$16,310	\$188,200	\$10,882	\$200	\$11,355	
Sanitation in Subdivision Laws							
Septic Disposal and Licensure Laws							
Strip and Underground Mine Reclamation Act	1	\$500		\$500			
Water Quality Act	4	\$4,400	\$378	\$5,664	\$378	\$36,014	
Subtotal*	57	\$72,587	\$413,677	\$59,158	\$578	\$3,376,001	\$0
TOTAL		\$486,264		\$59,736			

\* The amount of Penalties Collected does not equal the Settlement Penalties because: 1) penalties were not due before the end of FY2005; 2) penalties are being paid under a payment schedule; 3) portions of penalties have been suspended; 4) the violator has failed to pay the penalty; 5) the violator has appealed the penalty order; or 6) the violator is or may be insolvent. In instances where the violator has not paid a penalty that is owed, the Department is actively pursuing collection.